

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

THE PRESIDENT HAS SEEN *df*

~~CONFIDENTIAL~~ - GDS

May 18, 1975

ACTION

MEMORANDUM FOR: THE PRESIDENT
FROM: HENRY A. KISSINGER *BD*
SUBJECT: Presidential Determination for Credit,
Guaranties and MAP Training for Kenya

Deputy Secretary of State Ingersoll has recommended that you make the necessary finding of the Foreign Military Sales (FMS) Act to establish the eligibility of Kenya for military credits and guaranties and also for military grants (MAP) for training (Tab B).

Last year you made a finding to establish Kenyan eligibility for cash purchases of defense articles and services. The new finding which State proposes will expand the eligibility of Kenya to include military grants for training and also FMS credits and guaranties for purchases. The new finding will not however make Kenya eligible to receive MAP for equipment.

As in the case of the previous Determination this new finding reflects our desire for continued and expanded access to ports and other facilities in Kenya, particularly in view of the growing Soviet naval presence in the Indian Ocean and the June opening of the Suez Canal.

However, in addition, Kenya has recently sought military assistance from us for the first time, partly because the United Kingdom has reduced its assistance, and partly because Kenya sees a growing threat to its security in the flow of Soviet arms to neighboring Uganda, Somalia and Tanzania.

Section (3)(a)(1) of the Foreign Military Sales Act, as amended, specifies as a condition of eligibility of a foreign country to purchase defense articles or defense services from the United States Government under the Act that the President find that the furnishing of defense articles and services to that country "will strengthen the security of the United States and promote world peace". An identical finding is required for the provision of training on a grant basis under Section 503(a) of the Foreign Assistance Act of 1961, as amended.

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DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
May 4, 2006

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There was little adverse reaction in Congress to the earlier finding of eligibility for Kenya. I believe -- and Max Friedersdorf agrees -- that there will be no significant objections to this modest expansion of our proposed military relationship with Kenya. This is in part because the expanded relationship does not include MAP for materiel.

At Tab A is a memorandum for the Deputy Secretary of State forwarding your finding that expanded eligibility for Kenya under the FMS Act will strengthen the security of the US and promote world peace. Attached to the Determination is a justification for use with Congress. Although notification of Congress and publication in the Federal Register is not required by law in this case, I believe these steps are appropriate and will promote acceptance of your new decision.

Mr. Lynn concurs in this finding (Tab C).

RECOMMENDATION

That you sign the memorandum at Tab A and approve the attached justification for notification of Congress and publication in the Federal Register.

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